

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY**

PLAINTIFF

V.

NO. 4:15-CV-166-DMB-JMV

PURVIS WILLIAM HILL, JR.

DEFENDANT

CONSOLIDATED WITH

PURVIS WILLIAM HILL, JR.

PLAINTIFF

V.

NO. 4:15-CV-184-DMB-JMV

**MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY; and JOHN
DOES 1–3**

DEFENDANTS

ORDER

On November 7, 2017, Candace L. Williamson and Sammy J. Ellis, co-executors of the Estate of Purvis William Hill, Jr., were substituted for Hill as litigants in these consolidated actions. Doc. #101. On December 5, 2017, Massachusetts Mutual Life Insurance Company (“Mass Mutual”) filed a renewed motion for summary judgment. Doc. #108. Approximately two weeks later, Mass Mutual filed a motion to dismiss under Federal Rule of Civil Procedure 41(b). Doc. #114. Neither Williamson (who has been sanctioned repeatedly in this action)¹ nor Ellis responded to either motion.

Given the complexity of the issues presented by Mass Mutual’s motions, Williamson and Ellis are **DIRECTED** to respond to the motion to dismiss and the motion for summary judgment

¹ See Doc. #112 at 1–5.

within fourteen (14) days of the issuance of this order.² Failure to respond to the motions within the time allowed will likely result in case dispositive sanctions. *See Custer v. Pan. Am. Life Ins. Co.*, 12 F.3d 410, 415 (4th Cir. 1993) (“If the court were to determine that the plaintiff’s failure to respond constituted a failure to prosecute, then it could dismiss the action.”); *Lediju v. N.Y. City Dep’t of Sanitation*, 173 F.R.D. 105, 110 (S.D.N.Y. 1997) (“[A] summary judgment motion may be granted by default if the facts justify a dismissal for failure to prosecute.”) (collecting cases); *Peck v. NAES Corp.*, 307 F.R.D. 43, 45–46 (D.D.C. 2014) (where plaintiffs twice failed to respond to motion for summary judgment, their “failure to prosecute their case supplie[d] an independent basis for the Court to dismiss”). No extensions of the response deadline will be granted in the absence of extraordinary circumstances.

SO ORDERED, this 5th day of April, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

² Mass Mutual may reply in support of its motions within seven (7) days of the relevant response.